

**WASHINGTON STATE BOUNDARY REVIEW BOARD  
FOR KING COUNTY**

**REGULAR MEETING MINUTES**

**October 11, 2005**

**Bellevue Fire Station  
12412 SE 69<sup>th</sup> Way  
Bellevue, Washington**

**I. CALL TO ORDER**

Chair Tessandore convened the meeting at 7:00 P.M.

**II. ROLL CALL**

Evangeline Anderson	Charles Booth
Angela Brooks	Robert Cook
A. J. Culver	Lynn Guttman
Ethel Hanis	Claudia Hirschey
Roger Loschen	Michael Marchand

**III MINUTES**

**A. REGULAR MEETING:**

Chair Tessandore presented the minutes of the Regular Meeting of September 12, 2005 for review and action by the Board members.

*Action: Charles Booth moved and Michael Marchand seconded the motion to adopt the minutes (as amended) of the Regular Meeting of September 12, 2005.*

*Action: Roger Loschen moved and Van Anderson seconded a motion to amend the minutes as follows:*

*“Berk & Associates reports that the Fairwood incorporation does appear to be feasible – i.e. generating enough revenue (without raising taxes) to provide a slightly higher level of service than Fairwood residents currently receive from King County. The continuing success of the City would be based upon the maintenance of property tax levels (e.g., levies, **and levy lifts regularly approved by voters**) and upon the exacting of utility taxes required to support service levels.”*

*The Board voted unanimously to approve the minutes (as amended) of the Regular Meeting of September 12, 2005.*

**IV. ADMINISTRATION**

**A. CHAIR’S REPORT**

General Business:

Chair Tessandore and Lenora Blauman reported that the Board is currently working on several projects including: (1) coordinating programs with King County Executive/Council Work Program; (2) coordinating activities with the State Association to establish Work Program at Legislature 2006; (3) administration of the proposed Fairwood Incorporation; (4) pre-development review for future Notices of Intention; (5) monitoring of the Year 2006 Budget Proposal; and (6) performance evaluations for Board staff members. Committee members and staff will report on these activities.

Washington State Boundary Review Board Association: Chair Tessandore reported that the State Association Conference took place in Bellingham from September 28-30, 2005. The Agenda included presentations on the following topics:

- Annexations: Past, Present, Future
- Property Rights and Growth Management
- Perspectives: New City Incorporations
- Watershed Planning

Board members reported that the event provided an excellent opportunity to obtain new information from both formal presentations and discussions with members of other Boundary Review Boards.

Tessandore and Roger Loschen reported on the Association Business Meeting. At that meeting Charles Booth was selected as Association Chair for 2006. Ron Morrison, of Clark County, will serve as Chair Elect. Charles Booth and Bill Ponder (Spokane County) will co-chair the Association's Legislative Committee. Ron Hart and Roger Loschen will co-chair the Conference Committee. Doug Beu will chair the Nominations Committee. The Committee chairs will form the Executive Committee of the Association for 2006. That Committee will meet later this year to develop a work program for 2006. The King County Board will be informed about Association activities.

Fairwood Incorporation Proposal (File No. 2194): Ethel Hanis, Chair of the Board's Fairwood Incorporation Review Team, reported that the Team has been reviewing the "Analysis of Fiscal Feasibility" prepared by Berk & Associates (an independent consultant) for the proposed Fairwood Incorporation.

The Team's charter was to ensure that the citizens of this community have complete, accurate, and readily understandable data upon which to determine whether the proposed City of Fairwood can generate sufficient operating revenue to provide a reasonable complement of municipal services that are equal to or better than the services that are provided by King County.

Hanis reported that the Team has completed review of the currently proposed document and has distributed a preliminary Report – with recommendations for revisions – for distribution to the entire Board.

At a Special Meeting (October 17), the entire Board will review the Report. When the entire Board has approved the Report, the document will be presented to Berk & Associates.

Citizens and representatives of affected government jurisdictions may attend this Special Meeting. However, these participants will be present only as observers. Public comment opportunities will be available at the future Special Meetings/Public Hearings for the Fairwood Incorporation.

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Berk & Associates can then utilize this Report as a guideline for preparing augmentation to the Analysis as necessary to provide sufficient information to citizens and government officials with respect to the benefits and costs of the proposed incorporation.

When the Team is satisfied that Berk & Associates has provided an Analysis that is sufficiently comprehensive and accurate to permit public understanding of the document, the proposal for incorporation may be brought forward for public review.

The entire Board – together with affected government jurisdictions and citizen groups – will then evaluate and provide comment upon the study through a public review/public hearings process established to consider the incorporation proposal (as prescribed by RCW 35.02, RCW 36.93, et seq.). The Board will then make a decision with respect to

the application for a new city. The Board may: (1) decide in favor of the incorporation as proposed; or (2) decide in favor of an incorporation with modified boundaries; or (3) recommend denial of the incorporation.

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At present, the Board has developed only a preliminary timeline for a review schedule. With the present plan to provide direction to Berk & Associates during the month of October, it is anticipated that the document could be completed by Berk & Associates late in 2005. If those revisions are prepared in a timely manner, then the Board could conduct public hearings and render decisions for the proposed incorporation in January and/or February 2006.

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Lenora Blauman stated that RCW 36.93 permits – but does not require – simultaneous review of the Fairwood incorporation and the Maplewood Addition Annexation. At present, the City of Renton reportedly prefers simultaneous review before the Board so that the citizens of the area may be able to examine governance options offered by the City of Renton and by a proposed new City of Fairwood. In order to ensure simultaneous review of the incorporation and the annexation, the City will need – and has agreed verbally – to provide a letter to the Board to further extend the permitted review period for the Maplewood Annexation. The extension may be provided to a date certain (e.g., March 31, 2006) or may provide for an open end as necessary to accommodate both the incorporation and the annexation. The City of Renton's letter should be received by the Boundary Review Board no later than October 31, 2005.

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The Team will provide regular reports to the Board on the status of the review for both the proposed Fairwood Incorporation and the proposed Maplewood Addition Annexation.

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The Chair invited comment by Board members. Members provided the following comments:

Study Content:

- The Team Report provides Berk & Associates with guidance for revisions to the Analysis based upon general principles -- e.g., the call for consistent and validated assumptions, analysis based upon current statutory mandates and funding resources, and citation of data sources. The Report also defines some specific key issues of interest (e.g., revenues and expenditures relating to: city administration and legal services, planning, land use and building permitting and inspection, police services, fire/emergency medical services, stormwater management, sewers, water, transportation system maintenance and improvements, affordable housing, health and human services, law and justice, parks and recreation.)

The Report also recommends a change in the structure of the Analysis to enhance the readability of the document for citizens and government officials.

The majority of the Team members believe that this information is essential to serve citizens and government officials, as well as providing the base for review and decision making by the Boundary Review Board.

The Team Report endeavors to provide guidance to enhance the Analysis – rather than specific detailed direction – so as to ensure that the Board does not exceed its charter by either dictating the actual content of the Analysis or assuming responsibility for providing the specific information required for the Analysis. As King County established the scope of the Analysis, it is King County that has “ownership” of the document.

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One Team member agrees that the Team Report calls for information that will be valuable, but believes that the current Analysis does provide data that is generally sufficient to permit review and decision-making by the Boundary Review Board.

- At the origination of the scoping for the Analysis, the Board was assured that the study document would address the entire Fairwood Area and the Cascade Area. The present study does not include that information.

The Board Team Report proposes that the Analysis should provide information about the relationship of the Cascade Area to the proposed new City of Fairwood, including, but not limited to:

- Rationale for omitting Cascade Area from the proposed incorporation;
- Impacts upon the unincorporated community following/resulting from incorporation of Fairwood;
- Impacts upon City of Renton following/resulting from incorporation of Fairwood and/or maintaining the Cascade Area as an unincorporated area.

This information is necessary to assist citizens, government officials, and members of the Board in evaluating the proposed new incorporation.

#### Review Process:

- The Board has received the preliminary Team Report for consideration at the Special Meeting of October 17, 2005. At that meeting Ethel Hanis, Team Chair, will introduce the Report. She will invite comment from Board members. At the conclusion of the discussion, the Board members will be requested to take action to approve the Report.

Upon approval of the document, the Board will transmit the Report to Michael Thomas (King County Office of Management and Budget) and to Berk & Associates. The presentation will address the Analysis both with respect to the content that is satisfactory and the content that merits enhancement to ensure that the study is sufficient to serve public interests.

Mr. Thomas and Berk representatives may ask clarifying questions. However, discussion about the substance of the Analysis is not an appropriate topic for this Special Meeting. Discussion of the Analysis will be the centerpiece of future public hearings for the proposed incorporation of the City of Fairwood and the corollary Maplewood Addition Annexation.

- Based upon the City of Renton request for the Board to simultaneously consider the proposed Fairwood Incorporation and the proposed Maplewood Addition Annexation, it will be necessary for the Board to determine an effective and efficient means for review of these Notices of Intention. The Board must ensure that the review of these Notices of Intention sufficiently considers the collective and independent relationship of each action to the underlying statutory mandates (e.g., 36.70A RCWS, 36.93 RCWS, 35.02 RCW, *et seq.*)

The Board Team will work with Robert Kaufman, Special Assistant Attorney General, to develop a plan for review of these Notices of Intention.

#### Review Schedule

- The Review Schedule for the proposed Fairwood Incorporation must remain preliminary until the Board has received the completed Analysis from Berk & Associates. While state law does not set a timeline for review of incorporations, the Board will make every effort to complete all review procedures in a manner which is both timely and comprehensive in order to address the public interest.

## B. COMMITTEE REPORTS

Budget Committee: A.J. Culver and Lenora Blauman reported that the Year 2006 Budget Proposal (together with the one-time request for transitional funding) remains under review by the Council Budget Committee. King County Council will be receiving the proposals in October. The Council will finalize the 2006 budget plans in November, 2005.

Legislative Committee: Charles Booth and Blauman reported that the House Local Government Committee has included Growth Management and Annexation Issues on their Working Agenda for 2006. Members of the Committee include Geoff Simpson, Chair, and Representatives Clibborn, Schindler, Ahern, Sullivan, Takko, and Woods.

On September 15, the House Local Government Committee conducted a work session on Annexation Issues. Booth and Blauman attended that meeting. Presentations were provided by three panels:

- *University of Washington/State Office of Financial Management – Study of Annexations and Local Government Finance*

This panel presented a study of financial impacts upon counties and cities resulting from the annexation of land. The study investigated 25 cities in six counties (not including King County). Study findings indicated negligible financial impacts from such transfers. Presenters reported that this outcome may well relate to the fact that the investigation was limited to the transfer of vacant lands from less urban counties into small cities. A study of the transfer of occupied lands could likely produce a finding of more significant financial impacts to the receiving cities.

- *City Perspectives – Mary-Alyce Burleigh, Mayor – City of Kirkland; Dave Williams, Association of Washington Cities*
- *County Perspectives – Paul Parker, Washington State Association of Counties, Michael Thomas, Senior Policy Analyst, King County; Chris Endresen, Kitsap County Commissioner*

Presenters from cities and counties focused on the need for legislative tools to:

- support the transfer of lands from counties to cities (e.g., taxation authorities, distribution of state and/or county funds to cities)
- streamline the process of annexation (e.g., interlocal agreements).

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The Local Government Committee does not currently have specific legislation under consideration that would address annexations. However, the Committee members appeared well-informed about and interested in matters related to annexation. Representatives expressed interest in – but offered no commitment – in response to requests for legislation that would provide funding options to local communities. A similar response was provided to suggestions for streamlining of the annexation review process.

Although there was no specific discussion of legislation that would modify the role of the Boundary Review Board, Blauman noted that, in previous years, many pieces of legislation proposed to streamline the annexation process have specifically eliminated the public review process. Omission of the public review process would effectively eliminate the role of the Boundary Review Board. As such, the Association will need to keep well-informed about – and be prepared to address – those bills which are intended to eliminate the independent public review from the process of annexation.

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Loschen reported that, in order to ensure that the Association is an active participant in the upcoming Legislative Session, Association representatives by which the Association and

the American Planning Association can jointly employ Michael Shaw, a legislative consultant, to serve both organizations at Legislature 2006.

Personnel Committee: Claudia Hirschey, Chair, reported that the Personnel Committee met on October 11, 2005 to conduct a Performance Appraisal for Lenora Blauman. The Committee must bring recommendations for actions to the full Board in an Executive Session at this Regular Meeting.

Chair Tessandore called for an Executive Session for the Board to consider the Performance Review for Mrs. Blauman.

*Action: Claudia Hirschey moved and Charles Booth seconded the motion for the Board to enter into an Executive Session (15 minutes) for the purpose of considering the Performance Review for Mrs. Blauman. The Board voted unanimously in favor of the motion. The Board entered into Executive Session at 8:20 p.m.*

*Action: Claudia Hirschey moved and Charles Booth seconded the motion for the Board to return to the Regular Meeting at 8:40 p.m. The Board voted unanimously in favor of the motion.*

The Personnel Committee presented the performance review report for Blauman for a decision by the full Board. The Board members expressed appreciation to Blauman for her service to the agency. Mrs. Blauman thanked the Board for the opportunity to work with Board members, with staff, and with King County officials and stakeholders.

*Action: Claudia Hirschey moved and Charles Booth seconded a motion to accept the Performance Appraisal Report for Mrs. Blauman and to recommend a merit salary increase commensurate with her service to the Board and consistent with the salary standards set by King County.*

#### **C. Executive Secretary's Report**

Notices Before the Boundary Review Board – Definition of Legal Boundaries: Lenora Blauman reported that several Notices of Intention recently submitted to the Boundary Review Board have presented issues related to boundary definitions (e.g., location of the urban growth area boundary, definition of rural lands, splitting of parcels).

County officials responsible for reviewing Notices of Intention responded positively to a suggestion by Blauman for a meeting to identify and address cogent issues. The meeting took place on September 21, 2005.

Participants included King County officials from the Office of the Executive, Office of Management and Budget, DDES, Assessors Office, Engineering, GIS, and Utilities and Natural Resources.

The primary purpose of the meeting was to establish a common understanding of the laws and the processes relating to boundary definition. The participants were also invited to consider opportunities for streamlining the review procedure for Notices of Intention that pose challenges to boundary definitions.

Some suggestions were made for more complete and timely communications among affected agencies. Blauman will initiate subsequent conversations with agency representatives to ensure that the suggested improvements are effective in supporting the processing of Boundary Review Board Notices of Intention.

#### **D. CORRESPONDENCE**

*General Correspondence:* General correspondence was reviewed briefly. No questions or issues were raised with respect to the substance of the general correspondence.

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*File No. 2199 – City of Renton Anthone’ Annexation:* Special Assistant Attorney General, Robert Kaufman, reported on correspondence relating to File No. 2199. Mr. Kaufman stated that the decision of the Boundary Review Board has been appealed to Superior Court by current owners of property within the original Anthone’ Annexation Site. Discussion of this appeal will require an Executive Session.

*Action:* A.J. Culver moved and Charles Booth seconded a motion to enter into Executive Session (5 minutes) at 8:50 p.m. The motion was approved by a unanimous vote.

*Action:* Claudia Hirschey moved and Charles Booth seconded the motion for the Board to return to the Regular Meeting at 8:55 p.m. The Board voted unanimously in favor of the motion.

## **VI NEW BUSINESS**

### **A. NOTICES OF INTENTION**

File No. 2208 - City of Bothell - Aagaard Annexation: The City of Bothell proposes to annex approximately 3.07 acres of land (four parcels) within the City’s Potential Annexation Area. The purposes of the annexation are to provide opportunities for local governance and services to these properties.

Board members presented no substantive comments or questions concerning the proposed annexation.

Blauman further reported that, at this time, the City of Bothell is seeking a waiver from review of the proposed annexation by the Boundary Review Board (pursuant to RCW 36.93.110). RCW 36.93.110 permits the Board to waive review if a proposed annexation is less than 10 acres in size and is valued at less than \$2 million. The Aagaard property is 3.07 acres and valued at \$1,228,000.

With full review, the file would remain open until November 10, 2005. With a waiver, the file could close immediately upon confirmation by the King County Engineering Department of a complete legal description for the Aagaard Annexation.

Board members presented no substantive comments or questions concerning the proposed annexation.

*Action:* A. J. Culver moved and Roger Loschen seconded a motion to grant a waiver from review by the Boundary Review Board of Notice of Intention (File 2208) City of Bothell – Aagaard Annexation, pursuant to RCW 36.93.100. The motion was passed by a unanimous vote.

File No. 2209 - City of Maple Valley – Summit Pit Annexation (Site 27): The City of Maple Valley proposes to annex approximately nine acres of land (three parcels) within the City’s Potential Annexation Area. The purposes of the annexation are to provide opportunities for local governance and services to these properties.

Board members presented no substantive comments or questions concerning the proposed annexation.

File No. 2210 -- City of Maple Valley – Tahoma School District Annexation (Site 34): The City of Maple Valley proposes to annex Tahoma School District properties (19.8 acres) currently essentially surrounded by the City of Maple Valley. The purposes of the annexation are to preserve public open spaces through provision of uniform governance and services to these properties.

Board members presented no substantive comments or questions concerning the proposed annexation.

**B. PENDING FILES**

Auburn	Bellevue	Bothell
Covington	Federal Way	Issaquah
Kent	Kirkland	Redmond
Renton (4 files)	Ronald Sewer District	Sammamish
SW Suburban Sewer District	Tukwila	Woodinville

**VII. ADJOURNMENT**

*Action: Lynn Guttmann moved and Robert Cook seconded a motion to adjourn the Boundary Review Board Regular Meeting. The Board voted unanimously in favor of the motion. The meeting was adjourned at 9:10 P.M.*